

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

MICHAEL SHORT

Plaintiff,

VS.

ARVIN WEST, Individually and In His
Capacity as Sheriff of Hudspeth County,
Texas, and HUDSPETH COUNTY,
TEXAS

Defendants.

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§ CIVIL ACTION NO. EP-09-CV-0264DB

DEFENDANT SHERIFF ARVIN WEST'S ADVISORY TO THE COURT

TO THE HONORABLE UNITED STATES DISTRICT JUDGE DAVID BRIONES:

NOW COMES SHERIFF ARVIN WEST advises the Court pursuant to Docket No. 56 entered on October 15, 2010 that the Fifth Circuit Court of Appeals affirmed the trial court's denial of Defendant West's Motion for Summary Judgment on November 2, 2011. Defendants counsel respectfully apologizes to the Court for not notifying the Court within 72 hours of said decision. Defendant's Counsel's Office sustained smoke, soot and water damage during a devastating fire on October 1st located on the 5th, 6th and 7th Floors directly beneath Defendant's Counsel's office on the 8th Floor. The the smoke from fire affected all 21 floors of the Riverview Towers however, Suite 840 sustained severe damage to furniture, computer and electronic equipment, as well as to the walls, floor and ceiling which required Defendant's counsel to temporary relocate across the hall with minimum furniture and equipment. Due to the reconstruction, it was not until November 23, 2011 when Defendant's counsel could move back in Suite 840.

Defendant's counsel has made a telephone call to Plaintiff's counsel to confer on the status of the case and scheduling of trial. Defendant will immediately file another advisory once the parties have conferred.

Respectfully submitted,

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BY: /s/ Charles S. Frigerio
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CERTIFICATE OF SERVICE

I hereby certify that on the 2nd day of December, 2011, I electronically filed the foregoing Defendants SHERIFF WEST'S Advisory with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Ms. Lynn Coyle
Dominguez & Coyle, P.L.L.C.
2515 N. Stanton Street
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/s/ Charles S. Frigerio
CHARLES S. FRIGERIO